

10 Monday, May 13, 2019

HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
CONFIDENTIALITY REVIEW

16 Videotaped Deposition of JAMES E.
17 RAFALSKI, held at Weitz & Luxenburg PC, 3011
18 West Grand Avenue, Suite 2150, Detroit,
19 Michigan, commencing at 9:20 a.m., on the
above date, before Michael E. Miller, Fellow
of the Academy of Professional Reporters,
Registered Diplomate Reporter, Certified
Realtime Reporter and Notary Public.

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1 of regulatory compliance and security
2 services for the Bergen Brunswig Corporation.
3 That's in his letterhead.

4 And this letter is written and
5 signed by Patricia M. Good, who is now at
6 this point in time the chief liaison and
7 policy section -- the chief of the liaison
8 and policy section for the Office of
9 Diversion Control.

10 Do you see that?

11 A. I see that.

12 Q. So I guess there was a change
13 in personnel, and Ms. Good is now in this
14 position, correct?

15 A. You could draw that conclusion
16 since she now signs as the chief, yes.

17 Q. And do you know who -- do you
18 know her?

19 A. Just the name, sir, not
20 personally.

21 Q. Okay. So can you read the
22 first sentence of the letter?

23 A. This is to grant approval of
24 your request to implement on a nationwide
25 basis your newly developed system to identify

1 and report suspicious orders for controlled
2 substances and regulated chemicals as
3 required by the federal regulation.

4 Q. And read the second sentence.

5 A. DEA managers who have been
6 involved with the testing of the system have
7 relayed their positive opinions regarding its
8 ability to provide information in a fashion
9 which is not only useful overall but is also
10 responsive to the needs of individual DEA
11 offices.

12 Q. You are not familiar with this
13 letter?

14 A. I don't recall seeing this
15 letter, sir.

16 Q. Can you read the next
17 paragraph, please. It's short.

18 A. We appreciate the efforts you
19 have undertaken to develop this improved
20 system and apologize for the lengthy approval
21 process. It did not seem appropriate to
22 grant this approval prior to the conclusion
23 of the Suspicious Order Task Force formed as
24 a result of the Methamphetamine Control Act.
25 Thank you for your patience in this matter.

1 Q. Is there any doubt in your mind
2 having read this letter that the DEA
3 explicitly and in writing approved Bergen
4 Brunswig's suspicious order monitoring
5 program on a nationwide basis?

6 MR. FULLER: Form, misstates
7 the letter.

8 A. Well, I think the content of
9 the letter is open to the interpretation of
10 the reader. I just would go back to, you
11 know, my experience with the DEA and in my
12 training is that the DEA doesn't give
13 approval to systems, and that was the same
14 information that was consistent in the DEA's
15 manual at this time that this letter was
16 issued.

17 So -- but I do acknowledge the
18 content of this letter.

19 BY MR. NICHOLAS:

20 Q. The content of the letter says
21 that the DEA is issuing an approval of a
22 system, right?

23 A. Well --

24 MR. FULLER: Form.

25 A. I don't disagree that that's